IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 16018 of 2004

Between:

1 Ch. Suseela W/o. Chinnabbai
R/o. Pentrala Village, Lingasamudram Mandal,
Prakasam District.
2 J. Jeevarathanam S/o. Kondaiah
R/o. Pentrala Village, Lingasamudram Mandal,
Prakasam District.
3 J. Israel W/o. Kondaiah
R/o. Pentrala Village, Lingasamudram Mandal,
Prakasam District.
4 B. Ankaiah S/o. Malakondaiah
R/o. Pentrala Village, Lingasamudram Mandal,
Prakasam District.
5 B. Malyadri S/o. Malakondaiah
R/o. Pentrala Village, Lingasamudram Mandal,
Prakasam District.
6 K. Narayana S/o. Kasulaiah
R/o. Pentrala Village, Lingasamudram Mandal,
Prakasam District.

... PETITIONERS

AND

1 The District Collector, Prakasam District at Ongole.
2 Revenue Divisional Officer, Kandukur, Prakasham District.
3 Mandal Revenue Officer, Lingasamudram(m) Prakasam District.
4 Pentrala Grampanchayat, rep. by its Panchayat Secretary,
Pentrala Village, Lingasamudram (M) Prakasam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of

Mandamus declaring the action of the 3rd respondent in issuing notice, Dt. 4.8.2004 in Rc.B.30/2004 and pursuant ultimatum to vacate from the land in petitioners respective occupation in Sy.No.28/1 of Pentrala Revenue Village is illegal, irregular, without authority, highhanded and violative of fundamental rights governed under Art: 14,19 and of the Constitution of India, set aside the same and consequently direct the respondents to dispossess them from the land.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for Respondent No.4: Mr. D. Srinivas

The Court at the admission stage made the following:

ORDER:

By the impugned notice, petitioner was informed that he is in occupation of the grazing land, which is set apart for the common use of the villagers and called upon to attend before the Mandal Revenue Officer within three days of the notice and explain why the encroachment shall not be removed. Questioning the same, the present writ petition has been filed.

2. Learned counsel for the petitioner submits that earlier a notice dated 20-05-2004 was issued for which, the petitioner submitted his explanation on 24-05-2004; and again issuing the same notice is arbitrary and illegal. In view of the same, if the petitioner had already submitted his explanation on the said date, the Mandal Revenue Officer – 3rd respondent herein has to conduct an enquiry whether the *poramboke* land is vested in Gram Panchayat or set apart for any other purpose by the Government and pass appropriate orders after due enquiry into the matter and communicate the same to the petitioner.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

September 9, 2004

MRR

To:

1 The District Collector, Prakasam District at Ongole.
2 Revenue Divisional Officer, Kandukur, Prakasham District.
3 Mandal Revenue Officer, Lingasamudram(m) Prakasam District.
4 Pentrala Grampanchayat, rep. by its Panchayat Secretary,
Pentrala Village, Lingasamudram (M) Prakasam District.

5 Two C.C.s to the G.P. for Revenue, High Court Buildings,

Hyderabad (O.U.T.).

6 Two C.D. Copies.